

**FILED**  
MAY - 7 2010  
UNITED STATES JUDICIAL PANEL  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY  
BY *[Signature]*  
**MULTIDISTRICT LITIGATION**

UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

Apr 22, 2010

**FILED**  
**CLERK'S OFFICE**

**IN RE: HYDROXYCUT MARKETING  
AND SALES PRACTICES LITIGATION**

MDL No. 2087

(SEE ATTACHED SCHEDULE)

09md2087-BTM(AJB)

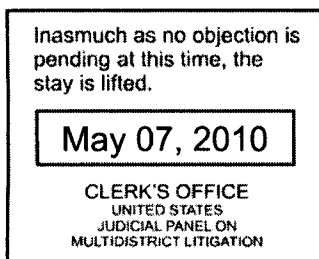
**CONDITIONAL TRANSFER ORDER (CTO-8)**

On October 6, 2009, the Panel transferred 13 civil actions to the United States District Court for the Southern District of California for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 655 F.Supp.2d 1357 (J.P.M.L. 2009). Since that time, 19 additional actions have been transferred to the Southern District of California. With the consent of that court, all such actions have been assigned to the Honorable Barry Ted Moskowitz.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of California and assigned to Judge Moskowitz.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of California for the reasons stated in the order of October 6, 2009, and, with the consent of that court, assigned to the Honorable Barry Ted Moskowitz.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of California. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.



FOR THE PANEL:

*[Signature]*  
Jeffery N. Lüthi  
Clerk of the Panel

I hereby attest and certify on 5/17/10  
That the foregoing document is a full, true and correct  
copy of the original on file in my office and in my legal  
custody.

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

By *[Signature]* Deputy

**IN RE: HYDROXYCUT MARKETING  
AND SALES PRACTICES LITIGATION**

MDL No. 2087

**SCHEDULE CTO-8 - TAG-ALONG ACTIONS**

**DIST.   DIV.   C.A. #      CASE CAPTION**

**ALABAMA NORTHERN**

ALN    2      10-780      Torris D. Lucas, et al. v. Muscletech Research & Development,  
Inc., et al.

**CALIFORNIA NORTHERN**

CAN    3      10-1530      Sevan Kevorkian, et al. v. Iovate Health Sciences USA, Inc., et al.

**NEW YORK EASTERN**

~~NYE    1      10-1464      Elvis A. Diaz-Martines v. Iovate Health Sciences Group, Inc., et al.~~  
**Vacated 4/27/10**